FILED

APR 28 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8354

UNITED STATES OF AMERICA, Plaintiff, v. Jose Antonio LOPEZ-Martinez, Defendant.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about April 26, 2008, within the Southern District of California, defendant Jose Antonio LOPEZ-Martinez did knowingly and intentionally import approximately 99.88 kilograms (219.74 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

LORENA MULVIHILL
Special Agent
Immigration and Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, April 28, 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Lorena Mulvihill with the U.S. Immigration and Customs Enforcement, declare under penalty of perjury, the following is true and correct:

On April 26, 2008, at approximately 0525 hours, Jose Antonio LOPEZ-Martinez entered the United States from the Republic of Mexico at the Calexico California West Port of Entry. LOPEZ was the driver and sole occupant of a 1985 Chevy truck bearing Baja California, Mexico license plate number AL54440. Customs and Border Protection Officers searched the vehicle LOPEZ was driving and discovered twenty-one (21) packages containing a green leafy substance concealed under the hood of the vehicle. A sample from one of the packages was obtained which field-tested positive for marijuana. The combined weight of the 21 packages was 99.88 kilograms (219.74 pounds) of marijuana.

LOPEZ was advised of his Constitutional rights according to Miranda, which he acknowledged and waived, agreeing to be interviewed. LOPEZ admitted knowledge of the marijuana in the vehicle. LOPEZ stated he agreed to drive the vehicle across the border from Mexicali, MX to the United States for financial gain.

Executed on April 26, 2008 at 1059 hours.

Special Agent

On the basis of the facts presented in the probable cause statement consisting of one page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 26, 2008, in violation of Title 21, United States Code, Sections 952 and 960.

United States Magistrate Judge

4-26-08
Date/Time